In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.6070 of 2006.

Date of decision:16.11.2006.

Ved Parkash

...Petitioner.

Versus

Smt.Prem and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Bijender Dhankar Advocate for the petitioner.

...

Judgment.

S. N. Aggarwal, J.

The petitioner is the plaintiff in the learned trial Court. He filed the suit for declaration against Smt. Prem, Smt. Savitri and Smt. Raja respondents being the daughters of Jitu.

During the pendency of that civil suit, the petitioner filed an application that these respondents (defendants in the learned trial Court) be called in the Court to give their thumb impressions. Her version was that the written statement and Vakalatnama were not signed by respondent Nos.1 and 2 and, therefore, they be called to give

their specimen thumb impressions for being compared with their purported thumb impressions on the Vakalatnama and the written statement.

This application was opposed by the respondents.

The application was dismissed by the learned trial Court vide impugned order dated 7.11.2006.

Hence, the present petition.

The submission of learned counsel for the petitioner was that respondent Nos.1 and 2 are not actually contesting respondents and,therefore, it would be in the interest of justice to get thumb impressions on the Vakalatnama and written statement compared with the specimen thumb impressions of respondent No.1 & 2.

This submission has no merits at all.

The respondents cannot be asked to appear in the Court to give their specimen thumb impressions for this purpose. It is a new kind of controversy raised by the petitioner which is beyond the controversy involved in the pleadings. If the presence of these respondents was necessary for getting their thumb impressions with a view to compare these thumb impressions with their purported thumb impression on a document either pleaded by the petitioner or by the respondents,then it was understandable but to create a new kind of controversy is not the intention of law. Therefore, the learned trial Court has rightly dismissed the application filed by the petitioner.

No merit.

Dismissed.

November 16,2006. (S. N. Aggarwal)
Jaggi Judge